

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
AUGUST 3, 2009**

ATTENDANCE: Evonne Klein, First Selectwoman; Linda Santarella,
David Bayne; Callie Sullivan via conference call

ABSENT: Seth Morton

CALL TO ORDER

First Selectwoman Klein called the meeting to order at 8:04 p.m.

PRESENTATION OF POLICE K-9 “ZULU”

Chief Lovello and Officer Arulzo came into the meeting with the newest member of the department, Darien Police Service Dog Zulu.

PUBLIC COMMENT

First Selectwoman Klein said that Ms. Sullivan would be participating via a conference call tonight.

Mr. Chris Noe, 242 Old Kings Highway South, came forward and said that he had collected a petition for nomination for First Selectman from Hartford today. He said that he had started collecting signatures at 2:00 p.m. and already had collected 47 names. He said that he was currently on the RTM and felt that he had a lot to bring to the debate.

NEW BUSINESS

a) Discuss Draft of Affordable Housing Plan

First Selectwoman Klein said that as there were two members not present, she would respectfully request that the vote be tabled to the last meeting of the month.

Ms. Santarella said that she had been told that she was working with the Final Copy, but that the copy she had received was not the final copy. She said that the copy she had received had strike throughs and she would be like a clean copy. She said that she wanted a copy without the track changes. She said that it was confusing and hard to follow. Ms. Sullivan agreed and said it would be good to have a clean copy. Mr. Bayne said that he could read it either way, if it was available electronically, he could then manipulate it as needed. He added that he had noted a number of typos and wording.

b) Discuss and Take Action on a Resolution Authorizing and Directing the First Selectwoman to Execute an Option to Lease for 35 Leroy Avenue with Mutual Housing Association of Southwestern Connecticut.

First Selectwoman Klein said that she had spoken with Mr. Morton earlier in the day and he had indicated that if he had been present, he would have voted in favor of the lease.

Atty. Fox said that the resolution was the final copy and included some minor changes that Mr. Bayne had recommended.

Ms. Sullivan said that she had one question about #10 under Benefits. She asked for clarification and what it meant to the Town. Atty. Fox said that it was standard language and that the obligations towards the Town would remain the same if MHA assigned the lease to a third party with the agreement of the Town.

**** MS. SANTARELLA MOVED THE FOLLOWING RESOLUTION:**

**RESOLUTION AUTHORIZING AND DIRECTING THE FIRST
SELECTWOMAN TO EXECUTE AN OPTION TO LEASE FOR 35
LEROY AVENUE WITH MUTUAL HOUSING ASSOCIATION OF
SOUTHWESTERN CONNECTICUT**

**WHEREAS, THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN
WISHES TO EXPLORE FURTHER THE DEVELOPMENT OF AFFORDABLE
HOUSING AND CREATION OF HOMEOWNERSHIP OPPORTUNITIES ON THE
FORMER DARIEN LIBRARY SITE LOCATED AT 35 LEROY AVENUE; AND**

**WHEREAS, THE DARIEN BOARD OF SELECTMEN ISSUED A REQUEST
FOR PROPOSALS (RFP) TO IDENTIFY A DEVELOPER THAT WOULD WORK
WITH THE TOWN TO CREATE AN APPROPRIATE AFFORDABLE HOUSING
DEVELOPMENT AT 35 LEROY AVENUE; AND**

**WHEREAS, THE BOARD OF SELECTMEN CREATED THE COMMUNITY
HOMES AT LEROY ADVISORY COMMITTEE TO REVIEW THE RFP
RESPONSES AS WELL AS PROVIDE A RECOMMENDATION BACK TO THE
BOARD OF SELECTMEN TO AWARD THE PROJECT; AND**

**WHEREAS, A RECOMMENDATION WAS MADE TO AWARD THE RFP TO
THE NOT-FOR-PROFIT DEVELOPER, MUTUAL HOUSING ASSOCIATION OF
SOUTHWESTERN CONNECTICUT, INC.; AND**

WHEREAS, BASED UPON INPUT AND ADVICE FROM LEGAL COUNSEL, IT WAS DETERMINED THAT THE BEST INSTRUMENT TO MOVE THE DEVELOPMENT PROCESS FORWARD WAS FOR AN OPTION TO LEASE TO BE EXECUTED BETWEEN THE TOWN OF DARIEN AND MUTUAL HOUSING ASSOCIATION OF SOUTHWESTERN CONNECTICUT, INC.; AND

WHEREAS, LEGAL COUNSEL HAS ADVISED THAT THE BOARD OF SELECTMEN HAVE THE AUTHORITY TO EXECUTE SUCH AN OPTION AS IT DOES NOT CONSTITUTE A SALE OR LEASE OF THE ASSET; AND

WHEREAS, THE BOARD OF SELECTMEN UNDERSTANDS THAT AN OPTION TO LEASE IS A NECESSARY INSTRUMENT TO ALLOW MUTUAL HOUSING ASSOCIATION OF SOUTHWESTERN CONNECTICUT, INC. TO MOVE FORWARD WITH SECURING LOCAL LAND USE APPROVAL AS WELL AS FINANCING COMMITMENTS FOR THE ULTIMATE PROJECT; AND

WHEREAS, THE BOARD OF SELECTMEN ARE ONLY ENTERING INTO THIS OPTION TO LEASE SO THAT ZONING APPROVALS AND FINANCING CAN BE APPLIED FOR BY DEVELOPER, WITH THE EXPRESS UNDERSTANDING THAT THE OPTION TO LEASE MAY BE REPLACED BY A GROUND LEASE; AND

WHEREAS, APPROVAL OF THE FINAL GROUND LEASE FOR THE SITE WHICH WOULD ADDRESS TERMS AND CONDITIONS NOT KNOWN AT THE TIME OF OPTION TO LEASE REQUIRES APPROVAL OF THE DARIEN REPRESENTATIVE TOWN MEETING; AND

WHEREAS, THE BOARD OF SELECTMEN WISHES TO CONTINUE WORKING WITH MUTUAL HOUSING ASSOCIATION OF SOUTHWESTERN CONNECTICUT, INC. TO DEVELOP AFFORDABLE HOUSING AT 35 LEROY AVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE DARIEN BOARD OF SELECTMEN HEREBY AUTHORIZE AND DIRECT FIRST SELECTWOMAN EVONNE M. KLEIN TO EXECUTE THE ATTACHED OPTION TO LEASE AGREEMENT FOR 35 LEROY AVENUE, DARIEN, CONNECTICUT WITH MUTUAL HOUSING ASSOCIATION OF SOUTHWESTERN CONNECTICUT, INC.

BE IT FURTHER RESOLVED THAT THE FIRST SELECTMAN WILL INSURE THAT THE APPROPRIATE LEVEL OF COOPERATION DESCRIBED IN THE OPTION TO LEASE AGREEMENT SHALL BE PROVIDED.

**** MR. BAYNE SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

Ms. Sullivan ended her participation by conference call at 8:19 p.m.

c) Discuss and Take Action on a Resolution Authorizing and Directing the First Selectwoman to Execute a Grant Agreement with the State of Connecticut under the Connecticut Local Justice Assistance Grant

**** MR. BAYNE MOVED THE FOLLOWING RESOLUTION:**

**RESOLUTION AUTHORIZING AND DIRECTING THE FIRST
SELECTWOMAN TO EXECUTE A EXECUTE A GRANT
AGREEMENT WITH THE STATE OF CONNECTICUT UNDER
THE CONNECTICUT LOCAL JUSTICE ASSISTANCE GRANT**

**WHEREAS, THE TOWN OF DARIEN IS ELIGIBLE FOR RECOVERY ACT
CONNECTICUT LOCAL PASS-THROUGH JUSTICE ASSISTANCE GRANT
(JAG) PROGRAM FUNDING; AND**

**WHEREAS, LOCAL GOVERNMENT MAY USE THE GRANT FUNDS TO
ADDRESS LOCAL NEEDS FOR COMMUNITY SAFETY MEASURES, CRIME
PREVENTION INITIATIVES, AS WELL AS POLICE SERVICES; AND**

**WHEREAS, THE DARIEN POLICE DEPARTMENT INTENDS TO USE
\$30,000 IN JAG GRANT FUNDING TO SUPPORT A LAW ENFORCEMENT
TRAINING INITIATIVE WITHIN THE DEPARTMENT; AND**

**WHEREAS, THE BOARD OF SELECTMEN WISH TO SECURE SUCH STATE
FUNDING.**

**NOW, THEREFORE BE IT RESOLVED THAT THE FIRST
SELECTWOMAN EVONNE KLEIN IS HEREBY AUTHORIZED AND DIRECTED
TO MAKE, EXECUTE AND APPROVE ON BEHALF OF THE TOWN OF DARIEN
ANY AND ALL CONTRACTS AND AMENDMENTS AND TO EXECUTE AND
APPROVE ON BEHALF OF THIS MUNICIPALITY OTHER INSTRUMENTS A
PART OF, OR INCIDENT TO, SUCH CONTRACTS AND AMENDMENTS,
EFFECTIVE UNTIL OTHERWISE ORDERED BY THE BOARD OF SELECTMEN.**

**** MS. SANTARELLA SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

d) Discuss and Take Action on Acceptance of a Gift of \$6,464 for Weed Beach

**** MS. SANTARELLA MOVED THE FOLLOWING RESOLUTION:**

**RESOLUTION AUTHORIZING ACCEPTANCE OF A GIFT TO
THE DARIEN RECREATION DEPARTMENT FOR WEED
BEACH**

**WHEREAS, PURSUANT TO SECTION 2-33 OF THE CODIFIED
ORDINANCES OF THE TOWN OF DARIEN, THE BOARD OF SELECTMEN IS
EMPOWERED ON BEHALF OF THE TOWN OF DARIEN TO ACCEPT GIFTS
PROVIDED THAT THE GIFT TO NOT HAVE A VALUE IN EXCESS OF TEN
THOUSAND DOLLARS (\$10,000.00); AND**

**WHEREAS, THE RECREATION DEPARTMENT WAS RECEIVED A GIFT OF
\$6,464 FROM THE DARIEN DEMOCRATIC TOWN COMMITTEE WITH SAID
FUNDS TO BE TARGETED TOWARDS THE PURCHASE OF BENCHES; AND**

**WHEREAS, DURING ITS MEETING OF JULY 15, 2009, THE DARIEN
PARKS AND RECREATION COMMISSION PASSED A MOTION TO CONCUR
WITH THE ACCEPTANCE OF SAID GIFT; AND**

**WHEREAS, THE BOARD OF SELECTMEN WISHES TO ACCEPT THIS GIFT
OF FUNDING TO SUPPORT THE CONTINUED IMPROVEMENT OF WEED
BEACH.**

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF DARIEN
BOARD OF SELECTMEN HEREBY ACCEPT THE GIFT OF \$6,464 FROM THE
DARIEN DEMOCRATIC TOWN COMMITTEE WITH SAID FUNDS TO BE
TARGETED TOWARDS THE PURCHASE OF BENCHES AT WEED BEACH AND
EXPRESSES ITS APPRECIATION TO THOSE INVOLVED ON BEHALF OF THE
CITIZENS OF THE TOWN OF DARIEN.**

**** MR. BAYNE SECONDED.**

Ms. Santarella asked if the benches would be the ones that were part of the master plan for the Weed Beach project. Mr. Kilduff said that they were.

**** THE MOTION PASSED UNANIMOUSLY.**

e) Discuss and Take Action on a Resolution Referring to the RTM the Acceptance of a Gift of \$45,000 from the Garden Club of Darien for Weed Beach.

**** MR. BAYNE MOVED THE FOLLOWING RESOLUTION:**

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GIFT FOR TREES AND OTHER LANDSCAPING IMPROVEMENTS FOR THE WEED BEACH IMPROVEMENT PROJECT.

WHEREAS, PURSUANT TO SECTION 2-33 OF THE CODIFIED ORDINANCES OF THE TOWN OF DARIEN, THE BOARD OF SELECTMEN IS EMPOWERED ON BEHALF OF THE TOWN OF DARIEN TO ACCEPT GIFTS PROVIDED THAT THE GIFT TO NOT HAVE A VALUE IN EXCESS OF TEN THOUSAND DOLLARS (\$10,000.00); AND

WHEREAS, PURSUANT TO SECTION 2-33A OF THE CODIFIED ORDINANCES OF THE TOWN OF DARIEN, SAID GIFTS IN EXCESS OF TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) MAY BE ACCEPTED WITH ACTION BY THE REPRESENTATIVE TOWN MEETING OF THE TOWN OF DARIEN; AND

WHEREAS, THE GARDEN CLUB OF DARIEN HAVE RAISED FUNDS FOR THE PURPOSES OF SUPPORTING BEAUTIFICATION IMPROVEMENTS FOR WEED BEACH BUILDING PROJECT; AND

WHEREAS, DURING ITS MEETING OF JULY 15, 2009, THE DARIEN PARKS AND RECREATION COMMISSION PASSED A MOTION TO CONCUR WITH THE ACCEPTANCE OF SAID GIFT.

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN HEREBY AUTHORIZE THE ACCEPTANCE OF THIS GIFT AND DIRECTS THAT THIS RESOLUTION BE FORWARDED TO THE REPRESENTATIVE TOWN MEETING FOR ITS CONSIDERATION AND APPROVAL.

**** MS. SANTARELLA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

f) Discuss and Take Action on Resolution Adopting Administration Group and Elected Officials Pay Plan for FY2009-10

**** MS. SANTARELLA MOVED THE FOLLOWING RESOLUTION:**

**RESOLUTION ADOPTING ADMINISTRATION GROUP AND
ELECTED OFFICIALS PAY PLAN FOR FY2009-10**

**WHEREAS, THE TOWN OF DARIEN EVALUATES THE WORK
PERFORMANCE OF ITS NON-BARGAINING UNIT ADMINISTRATORS TO
DEVELOP THE ANNUAL PAY PLAN FOR THESE EMPLOYEES.**

**NOW, THEREFORE BE IT RESOLVED THAT THE TOWN OF DARIEN
PAY PLAN FOR ADMINISTRATIVE GROUP POSITIONS AND PART-TIME
EMPLOYEES BE ADOPTED IN ACCORDANCE WITH THE ATTACHED SHEET
ENTITLED “ADMINISTRATIVE GROUP PAY PLAN FOR FY2009-10” AND
“ELECTED OFFICIAL PAY PLAN FOR FY2009-11”;**

**BE IT FURTHER RESOLVED THAT THE FIRST SELECTWOMAN IS
AUTHORIZED TO ADJUST WAGES OF INDIVIDUAL EMPLOYEES EFFECTIVE
JULY 1, 2009 CONSISTENT WITH SUCH PLAN AND PERFORMANCE
EVALUATION AS RECOMMENDED BY THE ADMINISTRATIVE OFFICER AND
DISCUSSED WITH THE MEMBERS OF THE BOARD OF SELECTMEN.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

FIRST SELECTWOMAN’S REPORT

First Selectwoman Klein said that the Flood Mitigation Committee met last week and reviewed the report from Malone and MacBroom. One issue came up about cost estimates regarding the area where Stony Brook crosses the Post Road. Mr. Steeger is looking into this. There is an issue with private property and the owners will be requested to look at the Malone and MacBroom project plans. As soon as the estimates come in, the Town will have a better idea of where the project stands and the policy going forward.

Regarding the Baker Field Project, First Selectwoman Klein said that she thought there may be some misunderstanding about the last Public Works meeting. They did not vote no on the project but voted to comment on the project.

First Selectwoman Klein said that she had followed up with the staff about Board of Selectman appointments and the list of term dates. Contacting the Town Committees had been done by the Administrator Officer a number of years ago, but when that particular Administrative Officer left office, the practice stopped. Research is being done regarding how other towns handle this.

The Finance Review and Strategy Committee has met and they will continue to hold all capital project for the time being. They will meet in another six months. First Selectwoman Klein said that the Board of Selectmen could vote on accepting the recommendations at the next meeting. Mr. Bayne said that it would be important to have a discussion about the financial planning and the criteria. First Selectwoman Klein agreed. The committee is intended to be a review committee and to make proposals to the various Town bodies.

The Board of Selectmen meeting scheduled for the 17th has been cancelled.

ADMINISTRATOR OFFICER

Mr. Kilduff said that he had been working on researching the possibility of having a solar panel generator on the roof. It looks like it will work, but the issue is how to pay for it. It may be eligible for a stimulus block grant fund. The energy produced will reduce the amount of electricity used.

Mr. Kilduff notified the Fire Department about additional information requested for the grant application. Two departments are working on this and there should be information by the end of the month.

Ms. Santarella asked about grants for the library. Mr. Kilduff said that he did not know about this and that the Board of Finance wanted financial reporting. First Selectwoman Klein said that at OPC meeting, Mr. Stegelman said that he would speak to the library directly rather than having it go through Administrative Officer's office.

There is a change order pending regarding fencing for Weed Beach. Mr. Kilduff said that the request had come in late in the day and that he had not received back up.

Ms. Santarella said that she had been down at Weed Beach and that there were a number of groups that had their barbeques on the beach. There is a clear sign that the grills should only be in the picnic area. She had concerns about the charcoal and also that these grills were near the playground.

AGENDA REVIEW

The meeting of the 17th is cancelled. The items for the end of the month were discussed at the last meeting.

MINUTES

**** MS. SANTARELLA MOVED THE MINUTES OF JULY 20, 2009.**

**** MR. BAYNE SECONDED.**

The following changes were noted:

Page 1, under **OTHER** and throughout the document : please change “Police Commissioner Kruger” to “Police Commissioner Truebner”

Page 1, under **OTHER**: please change “Liz Mao, resident” to “Liz Mao, Board of Finance and Police Building Committee member”

Page 3, paragraph 1, line 3, please change “in that area and she said that she was opposed to it.” to “in a 1/5th acre zone and she said that she was opposed to not including it on a 1/5th acre zone.”

Page 4, paragraph 2, line 9, please change “legislation is passed.” To “legislation is passed as will a number of other towns.”

Page 4, paragraph 4, please delete the following text: “He said that 1st Selectwoman Klein had mentioned that the Financial Review and Strategy Committee meets every month but every month the Police Commission asks for an answer as to when the project will move forward.”

Page 5, paragraph 4, please change “Mr. Kilduff joined the meeting at 9:00 p.m.” to “*Mr. Kilduff joined the meeting at 9:00 p.m. after attending the RTM Public Works Committee meeting.*”

Page 6, paragraph 1, line 3: please change “our economy be in than by” to “our economy be stimulated than by”

Page 6, under **NEW BUSINESS (CONT'D)**, paragraph 2, please delete the following: “Mr. Kilduff said that strategy #3 on page 39 should be removed from the body of the document and put back in an addendum.”

**** THE MOTION TO APPROVE THE MINUTES OF JULY 20, 2009 AS CORRECTED PASSED UNANIMOUSLY.**

OTHER BUSINESS

**** MR. BAYNE MOVED TO ADD AN ITEM TO AGENDA.**

**** MS. SANTARELLA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. BAYNE MOVED TO NOMINATE MS SANTARELLA AS ACTING FIRST SELECTMAN.**

**** MS. SANTARELLA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY**

Ms. Joi Gallo came forward and said that she lived at 130 Five Mile River Road. She said that she had a question about the terms of the option and the terms of the underlying lease had not been discussed. She asked if the info was being sent to the newspaper. First Selectwoman Klein said that the information had been given to the newspapers.

The second question was about the Committee appointments. Ms. Gallo said that she believed that First Selectwoman Klein said that she would not be keeping the dates in her office. First Selectwoman Klein explained that her office would not be notifying the Town Committees of the vacancies and expiration dates. First Selectwoman Klein said that she had met with her staff and that at this time there did not seem to be any further discrepancies.

Ms. Gallo said that her concern was that the information was not going to be shared. First Selectwoman Klein reiterated that her staff would not be notifying the Town Committees. This had not been done since Norm Lucas retired more than ten years ago.

Ms. Gallo said that there were additional questions regarding advisory boards and committees. First Selectwoman Klein said that the current practice has been to be reaffirm the advisory boards and commission every December because according to the Charter this needs to be done annually.

Ms. Gallo asked about the changes that happened with the Harbor Advisory committee. Ms. Santarella said that there also has been an addition of someone from Tokeneke to the Committee at the time and the length of the terms had been shorted to one year.

Ms. Santarella said that she had a lengthy conversation with Atty. Fox and Atty. Schmidt about the Glastonbury cases. She said that there was a misunderstanding of the cases and that it would be good for the Town Counsel to clarify the cases.

First Selectwoman Klein said that she would like this information to be presented in September. Ms. Santarella said that it would be important

Mr. Noe said that he would like to speak about the Baker Field project and the RTM meeting. There was a sense of the meeting vote that was unanimous. He said that everyone agreed that there were problems with the project, some of which are major. Now the Committee felt that it was time to reexamine the options.

First Selectwoman Klein said that she had attended that meeting for the first half hour and that Mr. Kilduff had attended the meeting until 9 p.m., so that neither she nor Mr.

Kilduff were present when the vote was taken. A brief discussion then followed about the procedure for filing a formal motion with the Town Clerk.

ADJOURNMENT

**** MS. SANTARELLA MOVED TO ADJOURN.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services